

REMARKS/ARGUMENTS

1. The Examiner rejected claims 1-4, 8, and 13-15 under 35 U.S.C. § 102(b) as being anticipated Simme (U.S. Patent No. 4,944,545). Claims 5-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Musselman (U.S. Patent No. 3,070,197). Claims 16, 17, and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kovar (U.S. Patent No. 4,122,647). Claims 17 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kovar. Claim 17 was objected to under M.P.E.P. § 706.03(k) as being a substantial duplicate of claim 16. The previously indicated allowability of claim 4 was withdrawn. Finally, claims 10-12 were objected to as being dependent upon a rejected base claim, but the Examiner indicated that such claims would be allowable if rewritten in independent form to include all the limitations of their respective base claims and any intervening claims. Reconsideration of the instant application is respectfully requested in view of the amendments and/or remarks provided herein.

Objections to the Claims

2. Claim 17 was objected to under M.P.E.P. § 706.03(k) as being a substantial duplicate of claim 16. Claim 16 has been amended herein to recite an architectural structure that includes a pair of adjacent structural beam members and a rectangular strut. All references to “extrusion” or “extruded” have been removed from claim 16. By contrast, claim 17 requires that the strut of claim 16 be extruded. Therefore, claims 16 and 17 have been amended to be of clearly differing scope and not duplicative. As a result, Applicant has overcome the Examiner’s objection and respectfully requests that the Examiner withdraw her objection to the specification.

Rejections under 35 U.S.C. § 102(b)

3. Claims 1-4, 8, and 13-15 were rejected under 35 U.S.C. § 102(b) as being anticipated by Simme. Applicant disagrees with the Examiner’s characterization of the recitations of claims 1-4, 8, and 13-15 in view of the disclosure of Simme. Nevertheless, to move prosecution forward, Applicant has herein amended independent claims 1, 8, and 13, without prejudice to resubmission in a subsequent continuation application, to require that the one or more rails or projections connected to the elongated element or beam and the one or more

channels of the reinforcing insert, when viewed in cross-section, flare outwardly at a common end thereof. The Examiner indicated, with respect to claims 10-12, that such subject matter was allowable over the references of record. Moreover, when taking into consideration Applicant's amendment to claim 8, claim 8 is effectively claim 10 rewritten in independent form.

Therefore, based on the Examiner's indication of allowable subject matter, Simme fails to disclose or suggest the recitations of independent claims 1, 8, and 13, as amended. Accordingly, Applicant respectfully requests that claims 1, 8, and 13 may be passed to allowance.

Claims 2-4, 14, and 15 depend upon claims 1 and 13, respectively, which claims have been shown allowable above. Therefore, since claims 2-4, 14, and 15 each introduce additional subject matter that, when considered in the context of the recitations of their respective base claims, constitutes patentable subject matter, Applicant respectfully submits that claims 2-4, 14, and 15 are in proper condition for allowance.

4. Claims 5-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by Musselman. Applicant disagrees with the Examiner's characterization of the recitations of claims 5-7 in view of the disclosure of Musselman. Nevertheless, to move prosecution forward, Applicant has herein amended independent claim 5, without prejudice to resubmission in a subsequent continuation application, to require that the one or more projections connected to the elongated element and the one or more channels of the reinforcement slat, when viewed in cross-section, flare outwardly at a common end thereof. The Examiner indicated, with respect to claims 10-12, that such subject matter was allowable over the references of record.

Therefore, based on the Examiner's indication of allowable subject matter, Musselman fails to disclose or suggest the recitations of independent claim 5, as amended. Accordingly, Applicant respectfully requests that claim 5 may be passed to allowance.

Claims 6 and 7 depend upon claim 5, which claim has been shown allowable above. Therefore, since claims 6 and 7 introduce additional subject matter that, when considered in the context of the recitations of claim 5, constitutes patentable subject matter, Applicant respectfully submits that claims 6 and 7 are in proper condition for allowance.

5. Claims 16, 17, and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kovar. Applicant disagrees with the Examiner's characterization of the recitations of claims

16, 17, and 19 in view of the disclosure of Kovar. In particular with respect to claim 16, Kovar clearly does not disclose or suggest an extruded bracing member as recited in Applicant's claim. Rather, the cross arms (16, 17) disclosed in Kovar are flat strips of material that are relatively narrow in relationship to their lengths and are correspondingly thin. (See col. 2, line 66 through col. 3, line 1.) By contrast, Applicant's claimed bracing member includes a transverse web that interconnects diagonally opposite corner intersections of the bracing member's walls along the entire length of the elongated walls.

Nevertheless, Applicant has herein amended claim 16, without prejudice to resubmission in a subsequent continuation application, to recite an architectural structure that includes a pair of adjacent structural beam members and a rectangular strut, wherein at least one of the beam members includes one or more projections and a reinforcing insert containing one or more channels that receive the projection(s), and wherein the projection(s) and the channel(s), when viewed in cross-section, flare outwardly at a common end thereof. The Examiner indicated, with respect to claims 10-12, that such subject matter was allowable over the references of record.

Therefore, based on the Examiner's indication of allowable subject matter, Kovar fails to disclose or suggest the recitations of independent claim 16, as amended. Accordingly, Applicant respectfully requests that claim 16 may be passed to allowance

Claims 17 and 19 depend upon claim 16, which claim has been shown allowable above. Therefore, since claims 17 and 19 each introduce additional subject matter that, when considered in the context of the recitations of claim 16, constitutes patentable subject matter, Applicant respectfully submits that claims 17 and 19 are in proper condition for allowance.

Rejections under 35 U.S.C. § 103(a)

6. Claims 17 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kovar. Claim 18 has been cancelled herein. As noted above, claim 17 depends upon claim 16, which claim has been shown allowable above. Therefore, since claim 17 introduces additional subject matter that, when considered in the context of the recitations of claim 16, constitutes patentable subject matter, Applicant respectfully submits that claim 17 is in proper condition for allowance.

Allowable Subject Matter

7. The Examiner withdrew the allowability of claim 4, but indicated that claims 10-12 would be allowable if rewritten in independent form. Applicant has herein cancelled claims 10 and 11, but has incorporated the patentable subject matter of claim 10 into all the independent claims. Accordingly, Applicant respectfully requests that the Examiner issue a notice of allowance allowing all twenty pending claims of the present application.

Other Amendments to the Claims

8. Applicant has herein amended independent claims 1, 5, and 13 to broaden the claims in certain respects. Applicant also amended dependent claims 2-4, 6, 7, 12, 17, and 19 to correct minor informalities contained therein, to make the language of such claims consistent with the language of their respective amended independent claims, and to correct dependencies in view of the cancellation of certain claims. None of these amendments were intended to narrow the claims in any manner or were made for any purpose related to patentability. Applicant submits that all such claim amendments are fully supported by Applicant's originally filed specification.

New Claims

9. Applicant has herein added new claims 20-24 directed to additional features of the present invention. Applicant submits that such claims are fully supported by Applicant's originally filed specification and are patentably distinct from the prior art of record. The new claims depend from independent claims that are allowable for reasons set forth above. Accordingly, Applicant requests that the Examiner pass new claims 20-24 to allowance. With the addition of claims 20-24 and the cancellation of claims 9-11 and 18, twenty claims remain pending in the present application, five of which are independent. Applicant has previously paid for examination of twenty claims, five of which could be independent; therefore, no additional fees are due for examination of new claims 20-24.

10. The Examiner is invited to contact the undersigned by telephone, facsimile, or email if the Examiner believes that such a communication would advance the prosecution of the

instant application. Please charge any necessary fees associated herewith, including extension of time fees (if applicable and not paid by separate check), to the undersigned's Deposit Account No. 50-1111.

Respectfully submitted,

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